

Applic. No. 10/667,567  
Amdt. dated July 31, 2007  
Reply to Office action of May 16, 2007

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 4-8 are now in the application. Claims 1-3 are being cancelled herewith. Claims 4-8 are being added. Support for claims 4-8 can be found in Fig. 1, and page 5, line 6 to page 6, line 13 of the specification. No new matter has been added.

In item 4 on page 3 of the above-identified Office action, the Examiner state that the IDS filed on July 17, 2006 has not been considered because none of the cited references are in English. It is believed that the Examiner is referring to the IDS dated July 12, 2006. It is respectfully noted that the IDS was filed with statements of relevance for two references that were not in the English language. Furthermore, in a telephone conversation with the Examiner on June 29, 2007, the Examiner acknowledged that this was an oversight on his part. Therefore, it is kindly requested that the Examiner consider the references submitted with the IDS dated July 12, 2006.

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In item 5 on page 3 of the Office action, claims 1-3 have been rejected as being fully anticipated by Collins (U.S. Patent No. 6,378,072 B1) under 35 U.S.C. § 102.

The above-noted rejections will be discussed with respect to the new claims 4 and 7.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 4 and 7 call for, *inter alia*:

the data carrier being connectable to the loading station for allowing the microcontroller to identify a user for a service provider on the Internet before downloading data from the Internet and storing the data in the memory.

Furthermore, an object of the present invention is to protect both a user and a data source, against unauthorized accesses when downloading data. In particular, music files or electronic books from the Internet. In order to achieve this object, a data carrier 1 including a microcontroller 3 and a non-volatile memory 2 is connected to the Internet 5 by a loading station 4. Specifically, the data carrier 1 is connected to the loading station 4 and the loading station 4

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is connected to the Internet 5. Before a service provider on the Internet provides data to the data carrier 1, the microcontroller authenticates the user of the data carrier 1 with respect to the service provider. Only if the authentication of the user is successful is data downloaded from the Internet and stored in the non-volatile memory 2.

The Collins reference discloses a cryptographic system and a method for encrypting and decrypting data using public key cryptography. Collins discloses that the cryptographic system protects against tampering with application software to be executed by the cryptographic system. Therefore, the application program is retrieved from an encrypted file in external memory and authenticated by a cryptographic processor before being executed (abstract).

The reference does not show the data carrier being connectable to the loading station for allowing the microcontroller to identify a user for a service provider on the Internet before downloading data from the Internet and storing the data in the memory, as recited in claims 4 and 7 of the instant application. The Collins reference discloses that the application program is retrieved from an encrypted file in external memory and authenticated by a cryptographic processor before being executed. Collins does not disclose that a

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microcontroller of a data carrier is used to identify a user for a service provider on the Internet. Collins does not disclose that an authentication is performed before data is downloaded to a data carrier. This is contrary to the invention of the instant application as claimed, in which the data carrier is connectable to the loading station for allowing the microcontroller to identify a user for a service provider on the Internet before downloading data from the Internet and storing the data in the memory.

Since claim 4 and 7 are believed to be allowable over Collins, dependent claims 5, 6, and 8 are believed to be allowable over Collins as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 4 or 7. Claims 4 and 7 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 4 or 7, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 4-8 are solicited.

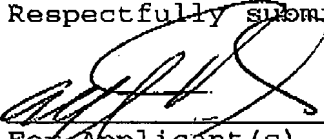
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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

  
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